



SKAGIT COUNTY BOARD OF COMMISSIONERS

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CLEAN WATER RESTORATION ACT OF 2007

Testimony by Skagit County Commissioner Don Munks Skagit County, Washington

It is an honor and a privilege to testify before you today on some significant concerns that my constituents have in regard to the Clean Water Restoration Act of 2007. I would like to thank Congressman Rick Larsen for graciously working with the people of Skagit County to provide us with this opportunity.

I hail from one of the richest agricultural valleys in the western hemisphere nestled between the alpine mountains of the North Cascades and the crystal clear seas of Puget Sound. The Skagit River is the largest river draining into Puget Sound and is home to all five species of Pacific salmon as well as steelhead and bull trout.

As a fourth generation Skagit County farmer, my great grandfather settled on the pristine banks of Fidalgo Bay in the 1850s, where my family resides to this day. We have great respect for the land and waters of our beautiful county.

Although we are experiencing significant pressures of growth from the North to Vancouver, British Columbia and from the south to Seattle, Washington, the strength of our agriculturally based economy has motivated our citizens to be good stewards of the land. We harvest the finest red potatoes in the world, produce hundreds of acres of stunning world famous tulips, provide a significant portion of cabbage and other kohlrabi crop seeds for the entire world, as well as being on the cutting edge of production for blueberries, strawberries, and raspberries.

Other Puget Sound counties have sat back and watched their farmland disappear. Working with farm families and advocacy groups we've worked hard to keep agriculture viable. Today we've protected more than 5,000 of our 90,000 acres of fertile farmland from future development with our Farmland Legacy program which allows us to purchase conservation easements protecting our open spaces and productive farmlands for eternity. Skagit County taxpayers are positive about paying this property tax to preserve their rural lifestyle and protect agriculture. Surveys show they value this program.

In 1966 a progressive group of elected officials established our first zoning ordinance and shortly after passed a "Large Acreage Lot Size, establishing a 30 acre minimum lot size on agricultural

SKAGIT COUNTY COMMISSIONERS ADMINISTRATIVE BUILDING

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land. We've since increased that lot size to 40 acres. Without this progressive vision our county would have been victim to urban sprawl.

Our bays and estuaries support more than 93 percent of the overwintering waterfowl in Western Washington including the Western High Arctic Goose, Trumpeter swans, black brant, plus many other species.

In 1995, the Skagit County Commissioners created the Clean Water (Shellfish Protection) District in response to the State Health Department's closure of shellfish harvesting in our bays. Our response was successful in repairing failing sewage systems and improving water quality to keep shellfish harvesting open. In 2004 when shellfish harvests were again threatened we voluntarily increased regulatory mandates related to water quality and water resource protection.

Today we tax our citizens to monitor water quality and habitat, administrate lake districts, enforce water quality compliance and operate onsite sewage programs. We work hand in hand with other organizations such as Skagit Conservation District, Skagit Fisheries Enhancement, Skagit Watershed Council and local tribes to insure that our water is clean.

In October of this year, the Skagit County Board of Commissioners signed a resolution to take a pro-active approach on critical areas involving agriculture and salmon recovery. We ordered Skagit County departments to consider salmon recovery in all of our actions, and pursue grant funding for salmon enhancement.

So, with that being said, why am I, Don Munks, from Skagit County, here today to testify against the Clean Water Restoration Act of 2007?

It's obvious that fellow commissioners and I, along with thousands of community members, are strong advocates of clean water and are willing to tax ourselves to back up our values.

Our concern, our main concern, is that the bill proposes the word "navigable waters" to be eliminated from the definition of "waters of the U.S," in the Clean Water Act. This would effectively put all bodies of water or "perceived" bodies of water under federal jurisdiction, even those waters currently under state authority.

Let me liken this crisis to a national emergency due to natural disaster. History has shown that those communities that wait for federal intervention suffer devastating loss. While many pointed their finger at FEMA in the Katrina disaster, the real disaster was in the inability of the first responders at the local level to react. In regard to clean water we *are* the first and best responders and have been very proactive.

By removing our ability to be first responders and saddling us with a cumbersome permitting process, we would be faced with a huge impact that may require a Clean Water Act Permit for routine tasks. Requiring a Clean Water Act permit for gutters, driveway culverts, agricultural ditches, farm ponds and roadside ditches would dramatically increase the time required to process permits and create a backlog of projects for the Corps of Engineers to add to an already very significant backlog. Annually, hundreds of small projects currently being completed by County forces with moderate permit requirements would require a permit from the Corps of Engineers. In addition, private property owners currently able to construct would be required to obtain a Corps permit. Not only does this greatly increase the permit applications required, but it adds additional burden to the Corps of Engineers to process the thousands of additional permits they will receive each year.

Comparing current permit requirements to what the future may hold if HR 2421 is not amended would add several additional possible permits and assessments, including:

- Prepare Biological Evaluation (Requiring a Consultant)
- Conduct Archeological Assessment if on tribal lands
- Wetlands Delineation
- Prepare Joint Aquatic Resources Permit Application (JARPA)
- SEPA/NEPA determination

The Corps of Engineers would distribute for consultation to:

- US Fish and Wildlife
- National Oceanic and Atmospheric Administration (NOAA)
- Tribes

Each of these activities increases the length of time to permit a project, and increases project cost.

The United States Corps of Engineers already has a significant backlog of permits. Permits that now take one month to a year, could now stretch as far as six years. Many of these projects have short allowed construction windows, due to salmon spawning. The increased length of time to obtain permits will often result in the project being deferred until the next year, to enable construction during the “fish window”. And during the delay, the need for the project that promotes clean water continues or increases. We will miss grant deadlines, be burdened with additional staff caught in the morass of unproductive bureaucracy, and to be honest, lose the will to continue to work proactively to promote clean water.

The intent of your bill is fine. We all want clean water, but by dramatically expanding the jurisdiction of the Corps of Engineers, you will stymie the efforts of Skagit County, our dike and drainage districts, and our advocacy and resource groups to continue to work together toward a common goal.

We ask you for the opportunity to continue to be the “first responders” for clean water by not saddling us with additional bureaucracy. Please do not delete the word “navigable” from the waters of the U.S. in the Clean Water Act.

We’ve worked hard for decades to protect our natural resources and keep our water clean. Without our recommended change these proactive efforts could be lost forever in the morass of federal regulation and bureaucracy.

Please leave the word “navigable” in the Clean Water Act that has existed since the 1970s and let us do our part for clean water in Puget Sound. Ongoing funding issues with the Corps of Engineers have bottlenecked many good projects. Allow local jurisdictions to maintain and improve the quality of water that travels from the mountains to the sea through Skagit County.

Sincerely,



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 Skagit County Commissioner
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